IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE EIGHTY DAY OF DECEMBER TWO
THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 26818 of 2000

Between:

K.V.Shankar S/o.Gopala Krishna Murthy
Hindu, Senior Civil Judge Court Nandigam, Krishna District, now on deputation at III Junior Civil Judge, Vijayawada.

..... PETITIONER

AND

1 Registrar (Administration)
High Court of A.P., Hyderabad
2 The District Judge,
Krishna District at Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction writ more

particularly one in the nature of Writ of Certiorari calling for the records pertaining to Roc.No.189/98, C.II/1, Dt.22/04/99 and quash the same as being highly arbitrary, unjust, illegal and is opposed to the principles of natural justice and equity and fair play and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRP.RAJASEKHAR

Counsel for the Respondents: MR.C.V.NAGARJUNA REDDY

The Court made the following :

O R D E R:

(per the Hon'ble Sri Devinder Gupta, the Chief Justice)

Petitioner is questioning the order passed by the 1st respondent in dismissing his appeal, thereby, confirming the order passed by the 2nd respondent in imposing punishing of withholding three

increments with cumulative effect.

Petitioner along with three others were proceeded against departmentally for separate charges. Petitioner at the relevant time was functioning as Assistant Clerk in the VI Metropolitan Magistrate Court, Vijayawada and was charged for the following irregularities:

> "That you Sri K.V.Sankar, L.D.Clerk, the then Assistant clerk of the VI Metropolitan Magistrate's court, Vijayawada, even though you were maintaining the diary of the said court you did not bring to the notice of the Presiding Officer about the interpolations made by Sri P.Satyanarayana, the then Bench clerk of the court (delinquent No.1) regarding the court proceeding in the diary on 2.1.1997, 10.1.1997 and 17.1.1997 regarding to C.C.No.28 of 1993 and even though the said Sri P.Satyanarayana delinquent No.1 had made a false entry in C. Register No.4 as if the Magistrate delivered the judgment acquitting accused, even though no judgment was pronounced on 17.1.1993 or on any other day in C.C.No.28 of 1993 and even though the said case was not on for hearing on 2.1.1997, 10.1.1997 and on 17.1.1997 and that you did not bring to the notice of the Presiding Officer about the loss or missing of the record in C.C.No.28 of 1993 on the file of the VI Metropolitan Magistrate's Court, Vijayawada."

The charge was held proved against the petitioner. His defence was that by the time interpolations were made in the entries by one P.Satyanarayana, the then Bench Clerk, he had already been transferred to different place and had nothing to do with the entries so interpolated. It was in the month of October, 1997 the petitioner was transferred and for the defense raised, reliance was sought to be placed upon the alleged confession alleged to have been made by P.Satyanarayana himself, who was also departmentally proceeded

against and was imposed punishment of compulsory retirement from service.

This defense of the petitioner was duly considered by the disciplinary authority, who turned down the defence as not tenable and proceeded to hold that the material on record disclosed that interpolations were made even during the period the petitioner was working in the same court, namely, VI Metropolitan Magistrate's Court, Vijayawada. The enquiry officer had meticulously examined the evidence that deliberately blank spaces were kept in order to facilitate P.Satyanarayana to make entries in the register and thus found that the interpolations were made in the month of January, 1997 itself. The petitioner was found guilty in not bringing to the notice of the President Officer about the loss or missing of the records or of interpolations of the entries.

Even on appeal being preferred, the 1st respondent duly examined the evidence and has concurred with the finding of the disciplinary authority.

In such like disciplinary matters, when there has been due appreciation of the evidence by the Enquiry Officer and the disciplinary authority agreeing with such findings and the appellate authority dismissing the appeal, there would be hardly any ground to interfere, unless it is demonstrated that findings are perverse. The view taken by the disciplinary authority is the possible view which can be taken from the facts on record and that petitioner was rightly held guilty and was rightly imposed the requisite punishment.

There is no substance in the writ petition and the same is dismissed.

No costs.

DATE:08.12.2004

AVS/VR ----------

DEVINDER GUPTA, CJ

M.NARAYANA REDDY, J

To

1 Registrar (Administration)
High Court of A.P., Hyderabad
2 The District Judge,
Krishna District at Machilipatnam.

3. Two C.C. copies.